REMARKS

Claims 1, 3-9 and 11-13 are pending, of which claims 1, 9, 11 and 12 are independent, and under consideration. Reconsideration is requested.

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In item 3 of the Office Action, entitled "Response to Arguments," the Examiner asserts:

> Applicant's arguments, see arguments, filed 4/23/09, with respect to the pending claims have been fully considered and <u>are persuasive</u>. The <u>previous rejection of the pending claims has been withdrawn</u>. However, newly amended claim 1 presents a no statutory obviousness-type double patenting issue.

(See, Office Action at page 2).

That is, the Examiner has withdrawn the previous rejection of pending claims 1, 3-9 and 11-13 and present a new nonstatutory obviousness-type double patenting rejection of only claim 1.

Accordingly, Applicant submits that at least independent claims 9, 11, and 12 have been found by the Examiner as allowable and that claims 3-8 and 13 dependent on base claim 1 have been found as the Examiner as allowable if rewritten in independent form. Applicant appreciates the indication of allowable subject matter.

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Applicant points out that the Office Action Summary, however, mistakenly lists claims 3-9 and 11-13 as rejected. If the case is not found to be in condition for allowance, Applicant requests that correction of the record be made to indicate that claims 3-8 and 13 are objected to and that claims 9, 11, and 12 are allowed.

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Traverse of Double patenting rejection of claim 1

The Examiner rejects claims claim 1 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of US Patent 6,638,317 and of US Patent 9,963,830. The rejection is traversed.

The Examiner asserts:

> Although the conflicting claims are not identical, they are not patentably distinct from each other because all claims present the same subject matter of detecting a hierarchical structure of topics in a given document by detecting a set of topic boundaries of a document based on lexical cohesion degree, extracting keywords regarding each detected topic, and presenting the result to the user. The only difference between the three claims is the wording of the common subject matter such as generating a text summary, as in the current application and US Patent 9,963,830, and generating a digest, as in US Patent 6,638,317. Also, claim 1 of the current application recites the detail of repeating the process of detecting a

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set of topic boundaries of a document based on lexical cohesion degree with each of a plurality of window widths, while US Patent 6,638,317 and US Patent 9,963,830 do not recite such detail. However, it would have been obvious to a person of ordinary skill in the art to repeat the said detecting process in order to extract the target words and topics from a plurality of documents and document's hierarchical layers.

(See, Office Action at page 3).

Applicant submits that the Examiner's assertion is in error.

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I. Applicant points out that the subject application is listed in the USPTO system as being assigned to FUJITSU LIMITED at Reel/Frame 012360 / 0290 while U.S. Patent 6,638,317 is listed in the USPTO system as being assigned to MIRROR WORLDS TECHNOLOGIES, INC at Reel/Frame 016290/ 0293.

Thus, Applicant submits that a double patenting rejection is not appropriate and the rejection should be withdrawn.

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II. Applicant submits, in addition, that claim 1 of the subject application is not obvious in view of claim 1 of US Patent 6,638,317.

Claim 1 of the subject application recites a document reading apparatus including " a thematic hierarchy recognizing device recognizing a thematic hierarchy of each of the plurality of documents: by repeating a process for detecting a set of thematic boundaries in each layer of the thematic hierarchy, with each of a plurality of different window widths, wherein each of the thematic boundaries is detected based on a lexical cohesion score obtained from a similarity of vocabularies that appear in two adjacent windows with each of the window widths at each location in each of the plurality of documents, and by correlating first and second thematic boundaries locating closely and detected with smaller and larger window widths, respectively; a topic extracting device extracting a topic that commonly appears in the plurality of documents based on the thematic hierarchies recognized; and a topic relation presenting device taking out a description part corresponding to the topic extracted from each of the plurality of documents and outputting the description parts taken out as related passages among said plurality of documents, wherein regarding a topic set that comprises topics of various grading in the thematic hierarchies recognized, the topic extracting device calculates a relevance score between topics of the topic set based on lexical similarity of description parts corresponding to each topic of the topic set, and extracts a topic set having a relevance score equal to or more than a threshold that is set based on inclusive relationship of topics, and the threshold, corresponding to any topic among topics which constitutes a target extraction of topic set, is a

maximum value of calculated relevance score related to a topic which is included in a subtree in thematic hierarchies."

(Emphasis added).

By contrast, claim 1 of U.S. patent 6,638,317 merely recites "a digest generator apparatus comprising: a structure detecting unit, by detecting a set of topic boundaries of a document based on a lexical cohesion degree, to detect a hierarchical structure of topic passages in the document, in which each of the topic passages corresponds to a part of the document describing a common topic, the hierarchical structure includes a plurality of levels, the topic passages in each of the levels compose the document, and each topic passage in a higher level includes one or more shorter topic passages in a lower level; a keyword extracting unit extracting a plurality of keywords using the hierarchical structure; a sentence selecting unit selecting a plurality of key sentences from one of the topic passages in the hierarchical structure depending on a use condition of the keywords; and an outputting unit outputting the key sentences as a digest."

That is, claim 1 of U.S. patent 6,638,317 does not teach all of the features recited by claim 1 of the subject application including, for example:

1) a thematic hierarchy of "each of the plurality of documents" with each of a "plurality of different window widths"

2) "a topic extracting device extracting a topic that commonly appears in the plurality of documents based on the thematic hierarchies recognized"

3) "topic extracting device calculates a relevance score between topics of the topic set based on lexical similarity of description parts corresponding to each topic of the topic set, and extracts a topic set having a relevance score equal to or more than a threshold that is set based on inclusive relationship of topics," and

4) "the threshold, corresponding to any topic among topics which constitutes a target extraction of topic set, is a maximum value of calculated relevance score related to a topic which is included in a subtree in thematic hierarchies."

Applicant submits it would not have been obvious to one of ordinary skill in the art to modify claim 1 of U.S. patent 6,638,317 to teach all of the features recited by claim 1 of the subject application.

Thus, Applicant submits that claim 1 is not obvious in view of claim 1 of U.S. patent 6,638,317 and the rejection should be withdrawn.

III. The Examiner also asserts that claim 1 of the subject application is rejected as being unpatentable over claim 1 of "US Patent 9,963,830."

Applicant submits, however, that the USPTO database indicates that there is "No patents have matched your query" corresponding to "US Patent 9,963,830."

Thus, the rejection should be withdrawn.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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